

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 14, 2005

SENATE BILL

No. 736

Introduced by Senator Speier

February 22, 2005

An act to add Section 655.7 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 736, as amended, Speier. Healing arts: financial interest reporting.

Existing law requires certain healing arts licensees to report to the Medical Board of California, at the time of renewal of their license, any financial interest that the licensee or a member of the licensee's immediate family may have in a health-related facility.

This bill would require the board to report to the Legislature by ~~July 1, 2006~~ *January 1, 2008*, regarding those reports submitted to the board ~~on and after January 1, 2000~~ *between January 2007 and July 2007*, by healing arts licensees.

Existing law makes it unlawful for specified health care practitioners to change for certain cytologic services if those services were not actually rendered by the health care practitioner or rendered by a person under his or her direct supervision.

This bill would make it unlawful for a physician and surgeon to change for performance of the technical component of certain diagnostic imaging services unless those services were rendered by the physician and surgeon, except as specified.

Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Medical Board of California shall, by ~~July~~
2 ~~1, 2006~~ January 1, 2008, report to the Legislature on all
3 information reported to the board ~~on and after January 1, 2000~~
4 *between January 2007 and July 2007*, pursuant to Section 2426
5 of the Business and Professions Code. The report shall include
6 information regarding any sanctions the board has imposed
7 pursuant to subdivision (d) of Section 2426 of the Business and
8 Professions Code. *Of those reporting a financial interest, the*
9 *board shall conduct a five percent audit to determine the types of*
10 *financial interests.*

11 SEC. 2 Section 655.7 is added to the Business and
12 Professions Code, to read:

13 655.7. (a) *It is unlawful for a physician and surgeon to*
14 *charge, bill, or otherwise solicit payment from, any patient,*
15 *client, customer, or third-party payor for performance of the*
16 *technical component of computerized tomography (CT), positron*
17 *emission tomography (PET), or magnetic resonance imaging*
18 *(MRI) diagnostic imaging services if those services were not*
19 *actually rendered by the physician and surgeon or a member of*
20 *his or her group practice, under his or her direct supervision, or*
21 *by an employee of the physician and surgeon.*

22 (b) *Radiological facilities or imaging centers performing the*
23 *technical component of CT, PET, or MRI diagnostic imaging*
24 *services shall directly bill either the patient or the responsible*
25 *third-party payor for services rendered by those facilities.*
26 *Radiological facilities or imaging centers shall not bill the*
27 *physician and surgeon who requests the services.*

1 (c) *This section shall not apply to any of the following:*

2 (1) *Any person who, or radiological facility or imaging center*
3 *that, contracts directly with a health care service plan licensed*
4 *pursuant to Section 1349 of the Health and Safety Code.*

5 (2) *Any person who, or clinic that, provides diagnostic*
6 *imaging services without charge to the patient, or on a sliding*
7 *scale payment basis of the patient's charge for services is*
8 *determined by the patient's ability to pay.*

9 (3) *Health care programs operated by public entities,*
10 *including, but not limited to, colleges and universities.*

11 (4) *Health care programs operated by private educational*
12 *institutions to serve the health care needs of their students.*

13 (5) *Any person who, or clinic that, contracts with an employer*
14 *to provide medical services to employees of the employer if the*
15 *diagnostic imaging services are provided under the contract.*

16 (d) *Nothing in this section prohibits a physician and surgeon*
17 *or a physician entity from billing globally for professional and*
18 *technical components under either of the following*
19 *circumstances:*

20 (1) *When the imaging center is wholly owned and operated by*
21 *a physician and surgeon or a physician entity.*

22 (2) *When the physician and surgeon or physician entity has a*
23 *professional services contract with the imaging center to provide*
24 *all of the professional interpretations at the imaging center.*

25 (e) *For purposes of this section, the following apply:*

26 (1) *"Responsible third-party payor" means any person or*
27 *entity that is responsible to pay for CT, PET, or MRI services*
28 *provided to a patient.*

29 (2) *"Technical component" includes services other than those*
30 *provided by a physician and surgeon for the CT, PET, or MRI,*
31 *including personnel, materials, space, equipment, and other*
32 *facilities.*

33 (3) *"Physician entity" means a professional medical*
34 *corporation formed pursuant to Section 2406 or a general*
35 *partnership that consists entirely of physicians and surgeons or*
36 *professional medical corporations.*

37 SEC. 3. *No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the*
 2 *penalty for a crime or infraction, within the meaning of Section*
 3 *17556 of the Government Code, or changes the definition of a*
 4 *crime within the meaning of Section 6 of Article XIII B of the*
 5 *California Constitution.*

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 8 **CORRECTIONS:**
 9 **Text - Page 2.**
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